

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DURRELL ANTHONY PUCKETT,

Plaintiff,

v.

BARAONA, *et al.*,

Defendants.

Case No. 1:21-cv-01448-KES-BAM (PC)

ORDER DENYING PLAINTIFF'S MOTION
FOR ATTORNEY FEES AND LEGAL
SUPPLIES

(ECF No. 118)

Plaintiff Durrell Anthony Puckett ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's first amended complaint against: (1) Defendants Baraona, Burnitzki, Leos, Hernandez, and Diaz for excessive force in violation of the Eighth Amendment; (2) Defendant Leos for sexual assault in violation of the Eighth Amendment; and (3) Defendants A. Ruiz, E. Ruiz, Meier, Gutierrez, Allison (Cronister), and Price for failure to protect in violation of the Eighth Amendment.

Findings and recommendations to deny Plaintiff's motion for summary judgment are pending before the assigned District Judge. (ECF No. 116.)

Currently before the Court is Plaintiff's motion for attorney fees pursuant to 42 U.S.C. § 406 and legal supplies, filed March 6, 2025. (ECF No. 118.) Plaintiff appears to be arguing that due to his continued work on this litigation, he is entitled to an award of attorney fees

1 because he is in need of materials, supplies, books, research, and investigators. Plaintiff requests
2 that he be provided with whatever the Court deems necessary and available to Plaintiff for the
3 betterment of justice and society so he can learn, advocate, and prosecute his cases. Plaintiff
4 requests that the Court consider his relief, claims, grounds, motions, health, sicknesses, and cases
5 where he is a victim, etc. (*Id.*)

6 Defendants have not yet had the opportunity to file a response, but the Court finds a
7 response unnecessary. The motion is deemed submitted. Local Rule 230(l).

8 First, 42 U.S.C. § 406 provides, in part, for the award of fees to persons or attorneys who
9 represent claimants before the Commissioner of Social Security. This statute is not relevant to
10 the representation of individuals in civil rights cases pursuant to 42 U.S.C. § 1983. Furthermore,
11 Plaintiff is not entitled to an award of attorney fees because he is not an attorney, is representing
12 himself in this action, and is not yet a prevailing party in this action.

13 As to Plaintiff's request for supplies or other resources, this request is also denied.
14 Although Plaintiff is proceeding *in forma pauperis* in this action, he remains responsible for
15 payment of his own litigation costs. These costs include, but are not limited to, witness fees,
16 expert witnesses, depositions, and copying fees. (ECF No. 6.) Plaintiff has provided no basis for
17 the Court to award him legal supplies or resources for the purposes of litigating this action or any
18 other action.

19 Based on the foregoing, Plaintiff's motion for attorney fees and legal supplies, (ECF No.
20 118), is HEREBY DENIED.

21
22 IT IS SO ORDERED.

23 Dated: March 10, 2025

24 /s/ Barbara A. McAuliffe
25 UNITED STATES MAGISTRATE JUDGE
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